

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHAWN KENNETH KOLB,

Defendant.

CR 20–51–M–DLC

ORDER

Before the Court is the government’s Unopposed Motion to Dismiss Indictment and Vacate Trial. (Doc. 12.) The government seeks dismissal without prejudice, pursuant to Federal Rule of Criminal Procedure 48(a). Nothing in the record indicates that the government moves to dismiss the Indictment for an improper prosecutorial purpose. *See United States v. W.R. Grace*, 429 F. Supp. 2d 1207, 1246–47 (D. Mont. 2006).

Accordingly, IT IS ORDERED that the motion (Doc. 12) is GRANTED, and the Indictment (*sealed* Doc. 1) is DISMISSED without prejudice.

IT IS FURTHER ORDERED that the jury trial set for March 8, 2021 and all associated deadlines are VACATED, and all pending motions are DENIED as moot.

DATED this 28th day of January, 2021.

A handwritten signature in blue ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large initial "D".

Dana L. Christensen, District Judge
United States District Court